

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

583E0743

SENATE BILL NO. 187

Introduced by: Senators Bogue, Brown (Arnold), Daugaard, de Hueck, Diedrich (Larry),
Diedrich (Elmer), Duxbury, Hutmacher, Koetzle, Madden, McCracken,
Moore, Olson (Ed), Putnam, Sutton (Dan), Symens, Vitter, Volesky, and
Whiting and Representatives Madsen, Brown (Jarvis), Brown (Richard),
Burg, Derby, Flowers, Fryslie, Gillespie, Hanson (Gary), Hargens, Hennies
(Thomas), Jensen, Juhnke, Kooistra, McCaulley, McCoy, Monroe,
Nesselhuf, Olson (Mel), Pederson (Gordon), Peterson (Bill), Smidt, Solum,
Teupel, Valandra, Van Gerpen, and Van Norman

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to comparative
2 negligence.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 20-9-2 be amended to read as follows:

5 20-9-2. In all actions brought to recover damages for injuries to a person or to that person's
6 property caused by the negligence of another, the fact that the plaintiff may have been guilty of
7 contributory negligence does not bar a recovery ~~when~~ if the contributory negligence of the
8 plaintiff was ~~slight in comparison with~~ less than the negligence of the defendant or defendants,
9 but in such case, the damages shall be reduced in proportion to the amount of plaintiff's
10 contributory negligence.

11 ~~—Notwithstanding Woods vs. City of Crooks, 559 N.W.2d 558 (SD 1997), the determination~~
12 ~~of whether the contributory negligence of the plaintiff was slight in comparison with the~~

- 1 ~~negligence of the defendant shall be made without disclosing any determination of percentage~~
- 2 ~~of plaintiff's fault by special interrogatory.~~